

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA

JAMES L. SMALL, JR., )  
vs. Plaintiff, ) No. 1:10-cv-988-SEB-DML  
JIMMY MYERS, et al., )  
Defendants. )

**E N T R Y**

The plaintiff's motion for summary judgment [77] is **denied** because it is not accompanied by the "Statement of Material Facts Not in Dispute" required by Local Rule 56.1(a), *Grimes v. Union Planters Bank, N.A.*, 2004 WL 2378841, \*5 (S.D.Ind. 2004), because the documents supporting such motion are laced with legal conclusions which may not be relied on for the purpose submitted, *Lujan v. National Wildlife Federation*, 497 U.S. 871, 888 (1990), and because it does not establish the plaintiff's entitlement to judgment as a matter of law. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986) ("[A] party seeking summary judgment always bears the initial responsibility of informing the district court of the basis for its motion, and identifying those portions of 'the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any,' which it believes demonstrate the absence of a genuine issue of material fact.").

**IT IS SO ORDERED.**

Date: 06/07/2011

  
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SARAH EVANS BARKER, JUDGE  
United States District Court  
Southern District of Indiana

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